

**REGISTER OF ACTIONS**CASE No. 45-2024-CR-00157

State of North Dakota vs. Robert Gene Fettig

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§  
§Case Type: **Felony**  
Date Filed: **02/16/2024**  
Location: **-- Stark County**  
Judicial Officer: **Gion, James D****PARTY INFORMATION**

<b>Defendant</b>	<b>Fettig, Robert Gene</b> Dickinson, ND 58602 DL: NDFET848663	Male White DOB: 1984 5' 10", 220 lbs	<b>Attorneys</b> <b>Philip Becher</b> <i>Retained</i> 701-609-1510 x0000(W)
<b>Plaintiff</b>	<b>State of North Dakota</b>		
			<b>Peter David Morowski</b> 701-456-7647 x0000(W)

**CHARGE INFORMATION**

<b>Charges: Fettig, Robert Gene</b>	<b>Statute</b>	<b>Level</b>	<b>Date</b>
1. Defrauding Secured Creditors	12.1-23-08	Felony C	08/30/2023

**EVENTS & ORDERS OF THE COURT****OTHER EVENTS AND HEARINGS**

02/16/2024 Complaint **Index # 1**

02/16/2024 Criminal Summons Issued **Index # 2**  
w/Complaint cc:Sheriff's Office

02/26/2024 Criminal Summons Served **Index # 3**

02/26/2024 Sheriff's Return Served **Index # 4**  
criminal summons and complaint served

03/06/2024 Initial Appearance (9:00 AM) (Judicial Officer Ehlis, Rhonda R)  
Result: Hearing Ended

03/06/2024 Notice of Hearing **Index # 5**  
prelim

03/06/2024 Notification of Rights and Acknowledgement **Index # 6**

03/06/2024 Order **Index # 7**  
Spec Cond of Relea

03/19/2024 Request **Index # 8**  
Request to Continue Preliminary Hearing

03/19/2024 Notice of Hearing **Index # 9**  
Rescheduled Notice of Preliminary Hearing

03/19/2024 Service Document **Index # 10**  
Certificate of Service - Fettig

03/22/2024 Service Document **Index # 11**  
Certificate of Service on Stark County State's Attorneys Office

03/22/2024 Certificate **Index # 12**  
Certificate of Representation

03/22/2024 Rule 16 Discovery Request **Index # 13**  
Rule 16 Discovery Request

04/09/2024 Stipulation / Agreement **Index # 14**  
Stipulation for Continuance of Preliminary Hearing

04/09/2024 Proposed Order **Index # 15**  
Order for Continuance (P. Morowski)

04/09/2024 Order **Index # 16**  
for Continuance

04/29/2024 Notice **Index # 17**  
Notice of Appearance of Attorney and Invocation of Marsey's Rights

04/29/2024 Service Document **Index # 18**  
Affidavit of Service Upon Peter Morowski and Phillip Becher

05/23/2024 Notice **Index # 19**  
Motion to Appear by Reliable Electronic Means

05/23/2024 Proposed Order **Index # 20**  
Proposed Order Allowing Appearance by Reliable Electronic Means by Jesse Walstad

05/23/2024 Service of Motion **Index # 21**  
Affidavit of Service Upon Peter Morowski and Phillip Becher

05/30/2024 Order **Index # 22**  
for REM

06/03/2024 Preliminary Hearing and/or Arraignment (2:30 PM) (Judicial Officer Greenwood, Dann)  
Continued. Attorney Walstad via Zoom.  
04/01/2024 Continued to 04/15/2024 - Continuance - Other - State of North Dakota  
04/15/2024 Continued to 06/03/2024 - Continuance - Stipulation and Order Filed - Fettig, Robert Gene; State of North Dakota  
Result: Hearing Ended

06/03/2024 Information Index # 23

06/19/2024 Notice Index # 24  
*pt/jt*

09/03/2024 Pretrial Conference (1:30 PM) (Judicial Officer Gion, James D)

09/18/2024 Felony Jury Trial (9:00 AM) (Judicial Officer Gion, James D)

STATE OF NORTH DAKOTA

IN THE DISTRICT COURT

COUNTY OF STARK

SOUTHWEST JUDICIAL DISTRICT

State of North Dakota, )  
)  
Plaintiff, )  
)  
vs. )  
)  
Robert Fettig, )  
)  
Defendant. )

CRIMINAL INFORMATION

Case No. 45-2024-CR-00157

To the District Court in and for said County:

¶ 1 The State's Attorney for the County of Stark in the State of North Dakota accuses Robert Fettig of committing the crime of, **DEFRAUDING SECURED CREDITORS – THEFT OF PROPERTY**, and charges that:

¶ 2 Between August 30, 2023 and February 16, 2024, in Stark County, in the State of North Dakota, the Defendant, Robert Fettig, destroyed, removed, damaged, concealed, encumbered, transferred, or otherwise dealt with property that is subject to a security interest with the intent to prevent collection of the debt represented by the security interest. Further, the Defendant, Robert Gene Fettig, knowingly took or exercised unauthorized control over, or made an unauthorized transfer of an interest in, the property of another with intent to deprive the owner thereof, to wit: the Defendant, Robert Gene Fettig destroyed, removed, damaged, concealed, encumbered, transferred, or otherwise dealt with a 2015 Kenworth W900 (VIN: 1XKWP4EX1FJ435264) and/or a 2014 Kenworth W900 (VIN: 1XKWP4EX5EJ420085) that is/are subject to a security interest with the intent to prevent collection of the debt represented by the security interest. The property has a value of more than one thousand dollars (\$1,000.00), as determined under N.D.C.C. §12.1-



STARK COUNTY STATE'S ATTORNEY  
AMANDA ENGELSTAD

ASSISTANT STATE'S ATTORNEYS  
JAMES HOPE  
AMY PIKOVSKY  
PETER MOROWSKI

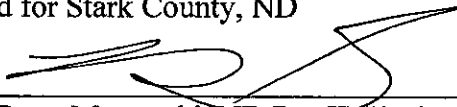
23-05(7). This, in violation of N.D.C.C. §12.1-23-08, N.D.C.C. §12.1-23-02, and N.D.C.C. §12.1-23-05, constitutes a Class C Felony.

¶ 3 The above is against the peace and dignity of the State of North Dakota, and contrary to the form of the Statutes in such cases made and provided.

Dated this 18<sup>th</sup> day of March, 2024.

Amanda Engelstad, Stark County State's Attorney  
in and for Stark County, ND

By

  
Peter Morowski ND Bar ID#07658  
Assistant Stark County State's Attorney

State's witnesses on whose evidence the information is based: Matt Keesler

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF STARK

SOUTHWEST JUDICIAL DISTRICT

State of North Dakota,  
Plaintiff,

vs.

Robert Gene Fettig,  
Defendant

NOTICE OF PRETRIAL AND JURY TRIAL

Case Nos. 45-2024-CR-00157 and 277

These cases have been assigned to the Hon. James D Gion pursuant to Supreme Court Administrative Rule AR2 and is set as indicated below:

Pretrial Conference

Date and Time: **09/3/2024 at 1:30 pm** (Mountain Time)

Location: Stark County Courthouse, 51 3<sup>rd</sup> St East, Dickinson, North Dakota

Jury Trial

Date and Time: **9/18/2024 at 9:00 am, or within 2 days thereafter**

Location: STARK County Courthouse, Dickinson, North Dakota

Counsel and defendant must appear for the Pretrial Conference at which time the items set forth in N.D.R.Crim.P.Rule 17.1(c) will be considered. Prior to the pretrial, the following matters must be completed.

1. Within 28 days from the date of this notice, all pretrial motions shall be served and filed with the Court. If required, a separate hearing will be set.
2. Within 28 days from the date of this notice, the prosecution shall inform the defense of its recommendations to dispose of this case.
3. All discovery must be completed prior to the pretrial conference.
4. Jury instructions must be filed three working days prior to the pretrial.
5. All negotiated plea agreements must be presented to the Court at the time scheduled for the pretrial conference.
6. Orders to transport defendants must be prepared by the defense attorney and both filed and delivered to the law enforcement agency which will provide transportation - 10 days prior to a scheduled hearing. If the defendant is not represented, the State's Attorney's office must prepare the order to transport.
7. All negotiated plea agreements must be presented to the Court at the time scheduled for the pretrial conference, unless otherwise indicated at the time of pretrial.
8. All trial exhibits must be pre-marked and filed. Multi-page exhibits must be numbered at the bottom of each page. It is the party's responsibility to test any audio or video equipment intended to be used at trial and to provide equipment necessary for the presentation of evidence if it is not in the courtroom. If an audio or video recording is offered and is not clearly audible, notice must be provided at least 10 days before trial and a transcript may be required.
9. Parties must ensure witnesses are present and prepared to testify so that the trial will not be delayed.

All documents filed with the Court must contain the case number. The defendant is required to inform the Clerk of any change of address or telephone number. The defendant must maintain contact with the defense attorney.

Counsel and the defendant must be present at the pretrial conference. If the defendant fails to appear at the pretrial conference without being excused by the Court, a warrant for the defendant's arrest will be issued. A continuance will not be granted except for extraordinary and unforeseeable reasons. A request for a continuance must be by written motion or stipulation with a proposed order with the new date in it. The reason for continuance must set forth and supported by an affidavit and served on opposing party.

It is the party's responsibility to test any audio or video equipment intended to be used at trial and to provide equipment necessary for presentation of evidence if it is not in the courtroom.

Dated: June 19, 2024.

Issued by: Shelly Michaelson, Calendar Control Clerk

**REGISTER OF ACTIONS**CASE No. 45-2024-CR-00277

State of North Dakota vs. Robert Gene Fettig

§  
§  
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§  
§Case Type: **Felony**  
Date Filed: **03/18/2024**  
Location: **-- Stark County**  
Judicial Officer: **Gion, James D****PARTY INFORMATION**

<b>Defendant</b>	<b>Fettig, Robert Gene</b> Dickinson, ND 58602 DL: NDFET848663	Male White DOB: 1984 5' 10", 220 lbs	<b>Attorneys</b> <b>Philip Becher</b> <i>Retained</i> 701-609-1510 x0000(W)
<b>Plaintiff</b>	<b>State of North Dakota</b>		<b>Peter David Morowski</b> 701-456-7647 x0000(W)

**CHARGE INFORMATION**

<b>Charges: Fettig, Robert Gene</b>	<b>Statute</b>	<b>Level</b>	<b>Date</b>
1. Defrauding Secured Creditors	12.1-23-08	Felony C	10/11/2023

**EVENTS & ORDERS OF THE COURT****OTHER EVENTS AND HEARINGS**

03/18/2024 [Complaint](#) **Index # 1**

03/18/2024 [Proposed Order](#) **Index # 2**  
*Warrant of Arrest*

03/18/2024 [Warrant of Arrest Issued](#) **Index # 3**  
*cc: SO w/ complaint*

03/20/2024 [Notice](#) **Index # 4**  
*Notice of Appearance of Attorney and Invocation of Marsy's Rights*

03/20/2024 [Service Document](#) **Index # 5**  
*Affidavit of Service Upon Peter Morowski and Robert G. Fettig*

03/22/2024 [Service Document](#) **Index # 6**  
*Certificate of Service on Stark County State's Attorneys Office*

03/22/2024 [Certificate](#) **Index # 7**  
*Certificate of Representation*

03/22/2024 [Rule 16 Discovery Request](#) **Index # 8**  
*Rule 16 Discovery Request*

04/17/2024 [Service Document](#) **Index # 9**  
*Certificate of Service via Electronic Filing - Stark County State's Attorney's Office*

04/17/2024 [Request](#) **Index # 10**  
*Request to Appear Remotely*

04/17/2024 [Proposed Order](#) **Index # 11**  
*Order Granting Request to Appear Remotely*

04/17/2024 [Initial Appearance](#) (10:30 AM) (Judicial Officer Herauf, William A.)  
*Warrant served, atty by zoom*  
Result: Hearing Ended

04/17/2024 [Notice to Defendant and Consent to ITV](#) **Index # 12**

04/17/2024 [Notification of Rights and Acknowledgement](#) **Index # 13**

04/17/2024 [Order](#) **Index # 14**  
*granting zoom*

04/17/2024 [Sheriff's Return Served](#) **Index # 15**  
*warrant of arrest served*

04/17/2024 [Warrant of Arrest Served](#) **Index # 16**

04/17/2024 [Notice of Hearing](#) **Index # 17**  
*Prelim*

04/17/2024 [Order](#) **Index # 18**  
*Spec Cond of Release cc:S/O & Jail*

05/20/2024 [Preliminary Hearing and/or Arraignment](#) (2:30 PM) (Judicial Officer Herauf, William A.)  
Result: Hearing Ended

05/20/2024 [Motion](#) **Index # 19**  
*Motion to Appear by Reliable Electronic Means*

05/20/2024 [Proposed Order](#) **Index # 20**  
*UNSIGNED-Proposed Order Allowing Appearance by Reliable Electronic Means by Jesse Walstad*

05/20/2024 [Service Document](#) **Index # 21**  
*Affidavit of Service Upon Peter Morowski and Philip Becher*

05/20/2024 [Exhibit](#) **Index # 22**  
*PL Exhibit #1 Gate City Bank Promissory Note. (Received)*

05/20/2024 [Exhibit](#) **Index # 23**  
*PI Exhibit #2 Gate City Bank Promissory Note. (Received)*

05/20/2024 [Exhibit](#) **Index # 24**  
*PI Exhibit #3 Gate City Bank Promissory Note. (Received)*



05/20/2024 Exhibit **Index # 25**  
*PI Exhibit #4 Gate City Bank Promissory Note. (Received)*  
05/20/2024 Exhibit **Index # 26**  
*PI Exhibit #5 Gate City Bank Promissory Note. (Received)*  
05/20/2024 Exhibit **Index # 27**  
*PI Exhibit #6 Gate City Bank Promissory Note. (Received)*  
05/20/2024 Exhibit **Index # 28**  
*PI Exhibit #7 Gate City Bank Promissory Note. (Received)*  
05/20/2024 Exhibit **Index # 29**  
*PI Exhibit #8 Gate City Bank Promissory Note. (Received)*  
05/20/2024 Exhibit **Index # 30**  
*PI Exhibit #9 Gate City Bank Promissory Note. (Received)*  
05/28/2024 Notice **Index # 31**  
*Notice of Motion*  
05/28/2024 Motion **Index # 32**  
*Motion For Leave to File Criminal Information*  
05/28/2024 Exhibit **Index # 33**  
*Exhibit - Criminal Information*  
05/28/2024 Brief **Index # 34**  
*Brief in Support of Motion For Leave to File Criminal Information*  
05/28/2024 Proposed Order **Index # 35**  
*Order Granting Leave to File Criminal Information (Morowski)*  
05/28/2024 Service of Motion **Index # 36**  
*Certificate of Service - Becher*  
06/18/2024 Order **Index # 37**  
*granting leave*  
06/18/2024 Information **Index # 38**  
*criminal*  
06/19/2024 Notice **Index # 39**  
*pt/it*  
09/03/2024 Pretrial Conference (1:30 PM) (Judicial Officer Gion, James D)  
09/18/2024 Felony Jury Trial (9:00 AM) (Judicial Officer Gion, James D)

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FINANCIAL INFORMATION

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	<b>Defendant</b> Fettig, Robert Gene		
	Total Financial Assessment		1.00
	Total Payments and Credits		1.00
	<b>Balance Due as of 07/03/2024</b>		<b>0.00</b>
05/20/2024	Transaction Assessment		1.00
05/20/2024	Counter Payment	Receipt # 45-2024-3329	Fettig, Robert (1.00)

STATE OF NORTH DAKOTA

IN THE DISTRICT COURT

COUNTY OF STARK

SOUTHWEST JUDICIAL DISTRICT

State of North Dakota,

Plaintiff,

vs.

Robert Fettig,

Defendant.

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CRIMINAL INFORMATION

Case No. 45-2024-CR-00277

To the District Court in and for said County:

¶ 1 The State's Attorney for the County of Stark in the State of North Dakota accuses Robert Fettig of committing the crime of, **DEFRAUDING SECURED CREDITORS – THEFT OF PROPERTY**, and charges that:

¶ 2 Between October 11, 2023 and March 15, 2024, in Stark County, in the State of North Dakota, the Defendant, Robert Fettig, destroyed, removed, damaged, concealed, encumbered, transferred, or otherwise dealt with property that is subject to a security interest with the intent to prevent collection of the debt represented by the security interest. Further, the Defendant, Robert Gene Fettig, knowingly took or exercised unauthorized control over, or made an unauthorized transfer of an interest in, the property of another with intent to deprive the owner thereof, to wit: the Defendant, Robert Gene Fettig destroyed, removed, damaged, concealed, encumbered, transferred, or otherwise dealt with the property that is/are subject to a security interest held by Gate City Bank with the intent to prevent collection of the debt represented by the security interest. The property has a value of more than one thousand dollars (\$1,000.00), as determined under N.D.C.C. §12.1-23-05(7). This, in violation of N.D.C.C. §12.1-23-08, N.D.C.C. §12.1-23-02, and N.D.C.C. §12.1-23-05, constitutes a Class C Felony.

¶ 3 The above is against the peace and dignity of the State of North Dakota, and contrary to the form of the Statutes in such cases made and provided.



STARK COUNTY STATE'S ATTORNEY  
AMANDA ENGELSTAD

ASSISTANT STATE'S ATTORNEYS  
JAMES HOPE  
AMY PIKOVSKY  
PETER MOROWSKI



Dated this 20<sup>th</sup> day of May, 2024.

Amanda Engelstad, Stark County State's Attorney  
in and for Stark County, ND

By 

Peter Morowski ND Bar ID#07658  
Assistant Stark County State's Attorney

State's witnesses on whose evidence the information is based: Matt Keesler

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF STARK

SOUTHWEST JUDICIAL DISTRICT

State of North Dakota,  
Plaintiff,

vs.

Robert Gene Fettig,  
Defendant

NOTICE OF PRETRIAL AND JURY TRIAL

Case Nos. 45-2024-CR-00157 and 277

These cases have been assigned to the Hon. James D Gion pursuant to Supreme Court Administrative Rule AR2 and is set as indicated below:

Pretrial Conference

Date and Time: **09/3/2024 at 1:30 pm** (Mountain Time)

Location: Stark County Courthouse, 51 3<sup>rd</sup> St East, Dickinson, North Dakota

Jury Trial

Date and Time: **9/18/2024 at 9:00 am, or within 2 days thereafter**

Location: STARK County Courthouse, Dickinson, North Dakota

Counsel and defendant must appear for the Pretrial Conference at which time the items set forth in N.D.R.Crim.P.Rule 17.1(c) will be considered. Prior to the pretrial, the following matters must be completed.

1. Within 28 days from the date of this notice, all pretrial motions shall be served and filed with the Court. If required, a separate hearing will be set.
2. Within 28 days from the date of this notice, the prosecution shall inform the defense of its recommendations to dispose of this case.
3. All discovery must be completed prior to the pretrial conference.
4. Jury instructions must be filed three working days prior to the pretrial.
5. All negotiated plea agreements must be presented to the Court at the time scheduled for the pretrial conference.
6. Orders to transport defendants must be prepared by the defense attorney and both filed and delivered to the law enforcement agency which will provide transportation - 10 days prior to a scheduled hearing. If the defendant is not represented, the State's Attorney's office must prepare the order to transport.
7. All negotiated plea agreements must be presented to the Court at the time scheduled for the pretrial conference, unless otherwise indicated at the time of pretrial.
8. All trial exhibits must be pre-marked and filed. Multi-page exhibits must be numbered at the bottom of each page. It is the party's responsibility to test any audio or video equipment intended to be used at trial and to provide equipment necessary for the presentation of evidence if it is not in the courtroom. If an audio or video recording is offered and is not clearly audible, notice must be provided at least 10 days before trial and a transcript may be required.
9. Parties must ensure witnesses are present and prepared to testify so that the trial will not be delayed.

All documents filed with the Court must contain the case number. The defendant is required to inform the Clerk of any change of address or telephone number. The defendant must maintain contact with the defense attorney.

Counsel and the defendant must be present at the pretrial conference. If the defendant fails to appear at the pretrial conference without being excused by the Court, a warrant for the defendant's arrest will be issued. A continuance will not be granted except for extraordinary and unforeseeable reasons. A request for a continuance must be by written motion or stipulation with a proposed order with the new date in it. The reason for continuance must set forth and supported by an affidavit and served on opposing party.

It is the party's responsibility to test any audio or video equipment intended to be used at trial and to provide equipment necessary for presentation of evidence if it is not in the courtroom.

Dated: June 19, 2024.

Issued by: Shelly Michaelson, Calendar Control Clerk